

Senate Bill 18

By: Senators Harp of the 29th and Harbison of the 15th

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 23 of Title 15 of the Official Code of Georgia Annotated, relating to court-connected alternative dispute resolution, so as to add municipal courts with jurisdiction over civil cases to the list of courts that may charge additional filing fees for civil actions and cases filed to fund alternative dispute programs; to change the composition of the Board of Trustees of County Fund for the Administration of Alternative Resolution Dispute Programs; to include cities with municipal courts with jurisdiction over civil cases within the chapter; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 23 of Title 15 of the Official Code of Georgia Annotated, relating to court-connected alternative dispute resolution, is amended by revising subsection (a) of Code Section 15-23-3, relating to Board of Trustees of County Fund for the Administration of Alternative Dispute Resolution Programs, to read as follows:

“(a) There is created in each county in this state a board to be known as the Board of Trustees of the _____ County Fund for the Administration of Alternative Dispute Resolution Programs. The board shall consist of:

(1) The chief judge of the superior court of the circuit in which the county is located, or the superior court judge with the longest service if there is no chief judge, or a superior court judge designated by the chief judge or the judge with the longest service;

(2) The chief judge of the state court, if any, or the state court judge with the longest service if there is no chief judge, or a state court judge designated by the chief judge or the judge with the longest service;

(3) The judge of the probate court;

(4) The presiding judge of the juvenile court, if any, or a juvenile court judge designated by that judge;

(5) The chief magistrate or a magistrate designated by the chief magistrate;

(6) A judge of each municipal court having jurisdiction over civil cases from each city within the county, such judges to be as designated by the chief judge of the superior court of the circuit in which the county is located, or the superior court judge with the longest service if there is no chief judge, or a superior court judge designated by the chief judge or the judge with the longest service;

(7) The clerk of the superior court; and

~~(7)~~(8) One practicing attorney appointed by other members of the board."

SECTION 2.

Said chapter is further amended by revising subsections (a), (c), and (d) of Code Section 15-23-7, relating to collection of additional legal costs in civil actions for purposes of providing court-connected or court-referred alternative dispute resolution programs as follows:

"(a) For the purposes of providing court-connected or court-referred alternative dispute resolution programs, a sum not to exceed \$7.50, in addition to all other legal costs, may be charged and collected in each civil action or case filed in the superior, state, probate, ~~and~~ magistrate, and municipal courts having jurisdiction over civil cases and other courts within the county that have the same powers and jurisdiction as state or magistrate courts."

"(c) The amount, if any, to be collected in each case shall be fixed in an amount not to exceed the applicable amount set out in subsection (a) of this Code section by the chief judge of the superior court or, if there is no chief judge, by the superior court judge with the longest service, who shall, after advising and notifying the chairperson of the county governing authority and chairperson of the municipal governing authority in which the municipal court having jurisdiction over civil cases lies, order the clerk to collect said fees and remit them to the treasurer of the county fund for the administration of alternative dispute resolution programs. No such additional costs shall be charged and collected unless the chief judge of the superior court or such chief judge's designee, or if there is no chief judge, the superior court judge with the longest service or such judge's designee first determines that a need exists for an alternative dispute resolution program in one or more of the courts within the county or city within the county in which the municipal court having jurisdiction over civil matters lies. The chief judge of the superior court or the designee of the chief judge or, if there is no chief judge, the superior court judge with the longest service or the designee of such judge may propose, as to a given court, the collection of an amount exceeding \$7.00, but in no event to exceed the applicable amount set out in subsection (a) of this Code section; provided, however, that approval of the board member representing the affected court is necessary before imposition upon litigants of that court of costs authorized by this chapter exceeding \$7.00.

(d) The clerk of each and every such court in such counties and cities shall collect such fees and remit the same to the treasurer of the board of the county in which the case was brought, on the first day of each month. No change in the amount collected pursuant to this Code section may be made within a period of 12 months from the date of a previous change."

SECTION 3.

Said chapter is further amended by revising Code Section 15-23-12, relating to contracting by boards of several counties to combine funds; secretary-treasurer for combined fund, and chairperson, to read as follows:

"15-23-12.

Notwithstanding any other provision of this chapter, the board of trustees of each county fund is authorized by contract to combine such fund with the fund of any other county or counties or cities that have municipal courts with jurisdiction over civil cases within the same judicial circuit, within the same administrative district, or in any other combination which would foster an efficient use of available resources. Any such combined fund created by any such contract shall be administered by a board of trustees which shall be composed of the judicial members and the clerks who are members of the boards of trustees of each participating county fund without the participating attorney members thereof but with one practicing attorney appointed by the members of the combined board. In the event two or more county funds are combined, the board of trustees of the combined fund may appoint a secretary-treasurer for the combined fund who shall perform such duties as may be provided by the combined board of trustees and who shall give bond in the same manner as provided by Code Section 15-23-5. The combined board shall be chaired by the chairperson of one of the constituent county boards elected by the combined board as provided by contract. In the event two or more boards combine as provided in this Code section, the judges of the courts within such combined territory are authorized to combine programs for such courts to provide for the most efficient use of available resources in providing alternative dispute resolution programs."

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.